

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

PETITION OF SOUTH CENTRAL BELL)	
TELEPHONE COMPANY FOR CONFIDENTIAL)	
TREATMENT OF INFORMATION FILED IN)	CASE NO.
SUPPORT OF ITS SPECIAL SERVICE)	91-050
ARRANGEMENT CONTRACT WITH THE)	
UNIVERSITY OF LOUISVILLE)	

O R D E R

This matter arising upon petition of South Central Bell Telephone Company ("South Central Bell") filed January 18, 1991 pursuant to 807 KAR 5:001, Section 7, and KRS 61.878 for confidential protection of the cost support data developed in connection with South Central Bell's Digital ESSX contract for the University of Louisville on the grounds that disclosure of the information is likely to cause South Central Bell competitive injury, and it appearing to this Commission as follows:

In this proceeding, South Central Bell is seeking approval of a contract that modifies an existing service agreement with the University of Louisville. The new agreement, if approved, will permit South Central Bell to convert the university's analog dormitory lines to digital service, and to increase the university's digital capacity by an additional 2,000 lines over the level currently authorized. The information sought to be protected consists of cost support data developed in connection with the proposed contract.

The information sought to be protected is not known outside of South Central Bell, and is not disseminated within South Central Bell except to those employees who have a legitimate business need to know and act upon the information. South Central Bell seeks to preserve the confidentiality of the information through all appropriate means, including the maintenance of appropriate security at its offices.

807 KAR 5:001, Section 7, protects information as confidential when it is established that disclosure is likely to cause substantial competitive harm to the party from whom the information was obtained. In order to satisfy this test, the party claiming confidentiality must demonstrate actual competition and a likelihood of substantial competitive injury if the information is disclosed. Competitive injury occurs when disclosure of the information gives competitors an unfair business advantage.

Suppliers of PBX equipment compete with South Central Bell's ESSX service. The cost support data sought to be protected would provide such competitors with South Central Bell's capital, operating costs, and contribution from the service which the competitors could use to market their competitive service. Therefore, disclosure of the information is likely to cause South Central Bell competitive injury, and the information should be protected as confidential.

This Commission being otherwise sufficiently advised,

IT IS ORDERED that the cost support data developed by South Central Bell in connection with its Digital ESSX contract for the University of Louisville, which South Central Bell has petitioned be withheld from public disclosure, shall be held and retained by this Commission as confidential and shall not be open for public inspection.

Done at Frankfort, Kentucky, this 13th day of February, 1991.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ATTEST:


Executive Director